

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MANDATE

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 1st day of August, two thousand twenty-two.

Before: Debra Ann Livingston,
Chief Judge,
José A. Cabranes,
Barrington D. Parker,
Circuit Judges.

Todd C. Bank, individually and on behalf of
all others similarly situated,

ORDER

Plaintiff - Appellant,

Docket No. 15-2391

v.

Independence Energy Group LLC, Independence
Energy Alliance LLC,

Defendants - Appellees.

This appeal was orally argued on March 2, 2016. On March 7, 2016, Appellant Bank moved to stay the appeal pending the Federal Communications Commission (FCC) determination of a petition he filed seeking a declaratory ruling regarding the term “residential telephone line.” At the Court’s direction, the FCC filed an amicus brief in which it similarly stated that the appeal should be held in abeyance pending the FCC’s determination. On October 1, 2020 and April 18, 2022, the Court sought status updates from the parties. As recently as April 29, 2022, the Court was advised that the proceeding remains pending at the FCC.

IT IS HEREBY ORDERED, that this appeal is dismissed, not on the merits. Either party may reinstate the appeal by a letter addressed to the Clerk. The letter must be filed within 30 days of the FCC determination of In re: Bank, FCC, Docket No. 02-278. If reinstated, the appeal shall be referred to this panel.

For the Court:

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 Catherine O'Hagan Wolfe

Catherine O'Hagan Wolfe,
Clerk of Court



 Catherine O'Hagan Wolfe

MANDATE ISSUED ON 09/27/2022